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Dec. 22

CONCORD, N.H.

Admiral C. A. Brinkmann,
State Director of Civil Defense,
State House
Concord, New Hampshire

Dear Admiral Brinkmann:

With reference to the inquiry from
Colonel Conrad H. Lanza concerning which you request our advice,
I advise as follows:

The text of Laws of 1953, c. 224, indicates that by the provisions of that chapter the exercise of civil defense functions arises when "a natural disaster of major proportions has actually occurred within this state, and . . . the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section during such period as such state of emergency exists or continues, . . ." (s.7), and appears to arise only out of and "in the event of disaster beyond local control".

The example cited by Colonel Lanza does not appear to be a breakdown of civil defense organization but appears, instead, to reflect inadequacy in the Public Works and Highways Department of the State of New York, a statewide agency expressly set up to handle blizzards in the wintertime.

In the absence of request from local authorities or actual hostilities or an emergency so grave that it is obvious that it is a disaster of major proportions beyond local control, civil defense functions arise upon proclamation as set forth in section 7 of the act.

Very truly yours,

George F. Nelson
Assistant Attorney General

CHP/EP